



THE OTTINGER FIRM, P.C.
EMPLOYMENT LAWYERS

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September 12, 2013

VIA ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
Netburn_NYSDChambers@nysd.uscourts.gov

Re: O'Reilly v. Crumbs Holdings, LLC, No. 13-2720
Discovery Status Letter

Dear Judge Netburn:

This Firm represents Plaintiff Jennifer O'Reilly in the above-referenced matter. We write jointly on behalf of all parties in accordance with Your Honor's August 12, 2013 Civil Case Management Plan and Scheduling Order to respectfully provide the Court with an update on the status of discovery and, specifically, the status of conditional certification.

The parties have exchanged requests for documents and interrogatories, and discovery is proceeding pursuant to the schedule set forth in Your Honor's August 12 Order. At the Initial Conference, Plaintiff furthermore suggested the possibility of making an application to amend the Complaint to expand the definition of the Class and Collective Class. In consultation with Defendant, Plaintiff has decided to withhold that application at this time.

The parties are in the process of determining whether Plaintiff's application to the Court for conditional certification will be contested. In the event the parties are unable to reach an agreement and Defendant contests conditional certification, the parties propose the following briefing schedule:

- October 3, 2013: Plaintiff's Motion for Conditional Certification Due;
- October 10, 2013: Defendant's Response Due;
- October 15, 2013: Plaintiff's Reply Due.

If in the alternative the issue of conditional certification is not contested, the parties shall submit a joint stipulation and proposed class notice by October 3, 2013.

The parties have conferred about the possibility of a settlement conference and do not believe it would be productive at this time.

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The parties thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Vallas', with a stylized, cursive script.

George Vallas

cc: Lyle Zuckerman, Esq. (Counsel for Defendant - by email)